

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Travis Golden,

Plaintiff,

v.

**The Ohio Department of
Rehab. and Corr., et al.,**

Defendants.

Case No. 2:23-cv-7

Judge Michael H. Watson

Magistrate Judge Silvain, Jr.

ORDER


On June 9, 2023, the Magistrate Judge issued a Report and Recommendation (“R&R”) regarding this *pro se*, prisoner civil rights case seeking solely monetary damages. ECF No. 7. The R&R recommended dismissing Plaintiff’s Eighth Amendment claims against the Ohio Department of Rehabilitation and Correction (“ODRC”) and against Warden Doe #2 in his official capacity but permitting Plaintiff’s individual-capacity claim against Warden Doe #2 to proceed. *Id.* Specifically, the R&R concluded that the ODRC was not a “person” for § 1983 purposes and that sovereign immunity bars Plaintiff’s claim against it. *Id.* The R&R similarly concluded that sovereign immunity barred Plaintiff’s official-capacity claim against Warden Doe #2. *Id.* The R&R permitted Plaintiff to serve his Complaint and attempt to identify Warden Doe #2 through discovery.

The R&R notified Plaintiff of his right to object to the recommendations therein and warned Plaintiff that a failure to timely object could result in a forfeiture of his rights on appeal. *Id.*

Plaintiff failed to timely object to the R&R. Accordingly, the Court **ADOPTS** the same and **DISMISSES** Plaintiff's Eighth Amendment claim against the ODRC and against Warden Doe #2 in his official capacity. Plaintiff's individual-capacity Eighth Amendment claim against Warden Doe #2 remains.

The Clerk shall terminate ODRC as a Defendant.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT